



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,404	12/29/1999	GREG GRIFFITH	BELL-0008/99	2201

23377 7590 10/06/2003
WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

EXAMINER

YANG, CLARA I

ART UNIT	PAPER NUMBER
----------	--------------

2635

DATE MAILED: 10/06/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/474,404

Applicant(s)

GRIFFITH ET AL.

Examiner

Clara Yang

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed on 25 July 2003 with respect to claims 1 and 3 - 6 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection is due to the incorporation of limitations from cancelled claims 2 and 7, which were considered separately in the previous Office Action, into claim 1.

2. Applicant's arguments filed on 25 July 2003 have been fully considered but they are not persuasive. In response to applicant's arguments on page 5, the recitation "a cradle that couples a personal communications device (PCD) to a second communications network when the PCD is out of normal radio communication with a first network, where the second network is employed to establish a link between the PCD and the first network" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2635

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 3 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,497,339 (Bernard) in view of U.S. Patent No. 5,900,875 (Haitani et al.).

Referring to Claim 1, Bernard teaches a communications device 100 or cradle (see Fig. 2) for a personal digital assistant (PDA) 102. Because PDAs (such as the Palm™ VII manufactured by Palm, Inc.) are known to have wireless communications ability, it is understood that Bernard's PDS is a portable communications device (PCD). As shown in Figs. 2 and 3, Bernard's communications device 100 has: (a) a serial/power interface connector 60 (or port connector) for coupling with the externally accessible DC power connector 50 and serial interface connector 52 (see Fig. 1) of the accepted PDA 102; (b) phone jack 118 and cellular telephone 126 or network connectors for coupling PDA 102 to a public switched telephone network (PSTN) or a mobile switching network, i.e., second networks (see Fig. 3); and (c) phone modem 114, which is used for interfacing between primary serial port 106 and phone jack 118, and decoder/multiplexer 112, which is used for interfacing between primary serial port 106 and cellular telephone 126 (see Fig. 4). Here it is understood that phone modem 114 and decoder/multiplexer 112 are network connection devices. As indicated in Fig. 3, Bernard's communications device 100 is unable to provide physical connection between PDA 102's

Art Unit: 2635

externally accessible port and serial/power interface connector 60 when communications device 100's housing accepts PDA 102.

In an analogous art, Haitani teaches a communication cradle 2 for a palmtop computer system 330, which is understood to be a PDA. Referring to Fig. 3, cradle 320 has a serial interface connector 327 that connects with a matching serial interface connector on the rear of computer system 330, which is shown in Fig. 4, when cradle 327 accepts computer system 330 (see Col. 5, lines 21 - 29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bernard's communications device 100 or cradle as taught by Haitani because a communications device 100 that is able to provide physical connection between PDA 102's externally accessible port and serial/power interface connector 60 when communications device 100's housing accepts PDA 102 eliminates manual connection by a user, thus making the system user-friendly.

Regarding Claim 3, Bernard's communication device has a Rockwell NavCore® VI MicroTracker™ Global Positioning System circuit card or network interface card for interfacing between serial/power interface connector 60 and GPS antenna 123 or network connector.

Regarding Claim 4, Bernard's communications device 100 has a phone jack 118 for coupling to a public switched telephone network.

Regarding Claim 5, Bernard's communications device 100 has a cellular telephone 126 for coupling to a mobile switching network.

Regarding Claim 6, Bernard imparts inserting communications device 100's remote serial/power interface connector 60 into both the DC power connector 50 and serial interface connector 52 of PDA 102, thus implying that PDA 102's externally accessible port is a serial port (see Col. 2, lines 65 - 67 and Col. 3, lines 1 and 34 - 38).

Art Unit: 2635

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

OR

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (703) 305-4086. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

CY
24 September 2003

BRIAN ZIMMERMAN
PRIMARY EXAMINER

